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Paper No. 09182005

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OCT 19 2005

In re Application of
Ronald Pasqualini
Application No. 09/164,216
Filed: September 30, 1998
Attorney Docket No. P03921-F5

DECISION ON PETITION

This is a decision on the petition filed June 27, 2005, requesting that the Office accept late payment of the extra claim fee for additional claims added in September 25, 2002.

The petition is **GRANTED**.

Petitioner states that the amendment and Request for Continued Examination filed September 25, 2002, added two extra claims for examination, however, the attorney inadvertently failed to pay the fee for the two claims due to a clerical error in counting claims.

Petitioner further states that the amendment filed March 24, 2003 added six extra claims for examination. Fees for the six extra claims were timely paid, however, the attorney through clerical error, failed to pay the complete fee for the two previously added claims. The extra fee amount paid was only sufficient to cover payment for one of the previously added claims.

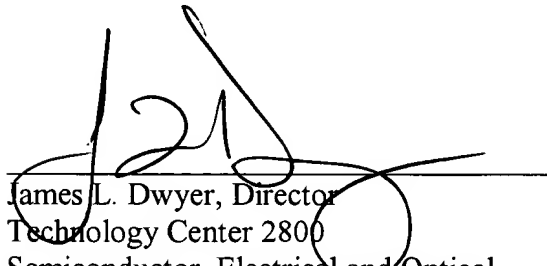
Petitioner further states that the amendment filed June 27, 2005 does not add an extra claim for examination, but the fee amount paid is the claim fee for the one remaining claim previously added but not paid for.

A review of the written record indicates that the claim fee for two extra claims added in September 25, 2002 was not paid. The record also indicates that applicant was not notified that additional fees were needed to examine the two extra claims. The record further still indicates that the amendment and Request for Continued Examination filed September 25, 2002 included an authorization to charge additional fees to Deposit Account No. 502305.

In view of the applicant's authorization to charge additional fees to Deposit Account No. 502305, coupled with the Office's failure to notify applicant that additional fees were needed for examination of the two extra claims, the petition is granted.

The late payment of the extra claim fee is accepted.

Inquiries regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.



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